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**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Raymond Liberatore

CASE: LIB-051003

PETITION UNDER 37
C.F.R. 1.137(b)

SERIAL NO.: 10/628,097

FILED ON: July 28, 2003

FOR: SPREADER APPARATUS, FOR
USE WITH DISPENSERS

Mail Stop Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION OF:
Art Unit 3751
EXAMINER:
Prunner, Kathleen J.

Dear Sir:

The above-identified application became inadvertently and unintentionally abandoned for failure to respond to the Non-Final Office Action mailed August 30, 2004. The final deadline to respond to the Office Action was February 28, 2005.

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05/09/2005 CCHAU1 00000005 10628097

01 FC:2453

750.00 DP

REMARKS

This petition is pursuant to 37 C.F.R. 1.137(b) as the present application has been unintentionally abandoned due to a failure to respond to the Non-Final Office Action by February 28, 2005. Under 37 C.F.R. 1.137(b) a grantable petition requires the following items:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth under 37 C.F.R. 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until was unintentional; and
- (4) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications.

With respect to item (1), Applicant hereby submits the required Response to the August 30, 2004 Office Action.

With respect to item (2), Applicant hereby asserts small entity status and encloses herewith the petition fee as set forth in 37 C.F.R. 1.17(m) of \$750.00.

With respect to item (3), Applicant submits that the entire delay in responding to the office action was unintentional. Submitted herewith as Exhibit A is a Declaration of Raymond Liberatore attesting to the facts surrounding the unintentional abandonment of the present application. Accordingly, Applicant requests that the application be revived.

With respect to item (4), Applicant submits that such a Terminal Disclaimer is not required as the present application was filed after June 8, 1995, specifically on July 28, 2003.

In light of the foregoing, Applicant submits that all of the requirements of 37 CFR 1.137(b) have been satisfied. In turn, Applicant respectfully requests the granting of the petition and subsequent revival of the present application.

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Raymond Liberatore
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SERIAL NO.: 10/628,097
FILING DATE: July 28, 2003
MARK: SPREADER APPARATUS, FOR USE
WITH DISPENSERS

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

DECLARATION OF RAYMOND LIBERATORE

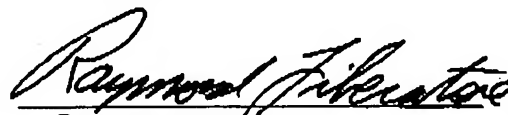
I, Raymond Liberatore, state as follows:

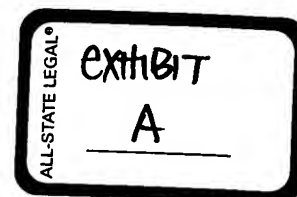
1. I am the sole inventor of Patent Application Serial No. 10/628,097 ("the '097 Application"), filed on July 28, 2003.
2. The '097 Application has not been assigned.
3. It is my understanding that an Office Action issued for the '097 Application on August 30, 2004.
4. I was unaware that any Office Action had issued for the '097 Application until on or about April 15, 2005.
5. It is my understanding that the '097 Application is deemed to be abandoned because a response to the Office Action was not filed within six months after the issuance of the Office Action.
6. Soon after learning that the '097 Application was abandoned, I directed Edward L. Bishop (Registration No. 39,110) to revive the '097 Application.
7. At no time have I ever intended to abandon the '097 Application.

Under penalty of perjury, I declare that the foregoing is true and correct to the best of my knowledge.

Dated. 5-2 2005

Signature:


Raymond Liberatore



Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully solicited.

Respectfully submitted,

FACTOR & LAKE, LTD.



Dated: May 3, 2005

Edward L. Bishop, Reg. No. 39110
One of Attorneys for Applicant

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 3, 2005.



Jenelle L. A. Melket